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Third session

SUMMARY RECORD OF THE 66th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 January 1993, at 10 a.m.

Chairman: Mgr. BAMBAREN GASTELUMENDI

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GE.93-15312 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 11) (continued)

Report of Egypt (CRC/C/3/Add.6)

1. At the invitation of the Chairman, Mrs. El-Guindy, Mr. Naguib and Mr. Sirry (Egypt) took seats at the Committee table.

2. The CHAIRMAN welcomed the delegation of Egypt and invited it to respond to the questions contained in the list of issues (CRC/C.3/WP.2).

3. Mrs. EL-GUINDY (Egypt) said that her delegation was pleased to have the opportunity to exchange views on the initial report of Egypt, submitted in 1992, and acknowledged the valuable assistance of the Chairman in the preparation of the report and the responses to the list of issues. By way of introduction to the responses, she observed that, because of its history, there were no racial or religious divisions in Egypt; its legislation was therefore not discriminatory and had been compatible with the rights of the child upon ratification of the Convention. Her country's concern to protect children was evident from the decision to declare an Egyptian Decade of the Child. Problems which prevented attainment of the objectives relating to children arose mainly from the current economic crisis; their solutions were largely to be found in the general economic and social development of the country, with children being given priority.

4. The first group of questions on the list of issues read:

"General measures of implementation
(articles. 4, 42 and 44, para. 6 of the Convention)

1. Can the provisions of the Convention be invoked before the courts?

2. What is the result of the draft legislation on behalf of children submitted to the National Assembly in November 1992?

3. Please describe in detail the report preparation process. Was the public involved in this process?

4. Please provide more information about the implementation of article 4 of the Convention in regard to the allocation 'to the maximum extent of (...) available resources' for the rights of the child. What proportion of the national budget is devoted to social expenditure (including health and education) for children? What consideration is being given to the social needs of children in the process of 'structural adjustment'?

5. To what extent is international cooperation designed in such a manner as to enhance the implementation of the Convention?

6. What concrete measures are being taken to make the report widely available to the public at large?"

The provisions of the Convention had been incorporated into national legislation and as such were binding. Following the declaration of the Egyptian Decade of the Child, the National Council for Childhood and Motherhood had mobilized all bodies concerned with the development of the child; matters relating to children were covered by a special section of the current Five-Year Plan. The various ministries and NGOs concerned had all participated in the preparation of her country's initial report to the Committee. Concerning resources available for child-related areas, some 9 billion Egyptian pounds had been allocated for health and education under the Five-Year Plan. It was estimated that some 7.6 per cent of the total budget of the Plan was devoted to child-related expenditure. In the context of structural adjustment, account had been taken of the need to improve services related to children and therefore efforts were being made to increase the amount allocated for that purpose. As to international cooperation, which was considered to be the keystone for strengthening national child-related programmes, efforts were being made to improve cooperation between national authorities and donors, and cooperation was taking place between the National Council, programme operators and heads of international agencies with the aim of preparing projects more effectively. Measures to make the report widely available consisted of audio-visual programmes and written material for publications prepared by the National Council.

5. The next group of questions read:

"General principles

Non-discrimination (art. 2)

7. Please indicate to what extent article 2 of the Convention is covered in Egyptian legislation in regard to all possible grounds for discrimination spelled out in that article.

8. Please indicate the specific measures taken to combat discrimination against girls and rural children, including nomads and children belonging to minorities.

9. What efforts are being made to obtain gender-specific statistical data on aspects relating to the Convention?"

Egyptian society did not suffer from problems of discrimination in general or discrimination against children or their guardians in particular; there had therefore been no need to enact specific legislation on the matter. Under the Constitution, all persons were considered to be equal; there was no discrimination on grounds of race, sex or religion. The State protected the freedom of worship and freedom of expression of opinion of all citizens. The freedom to express opinions and criticize was considered to be a fundamental guarantee and individuals were not punished for invoking the law. On measures to combat discrimination against girls and children in rural areas, she referred to the constitutional provision concerning the right to education. Parents whose children did not attend school were liable to a fine, children must be registered at birth and child immunization was ensured. In that connection, efforts were also being made to combat certain traditions

unfavourable to girls and rural children by means of information campaigns in cultural centres and information provided through mobile libraries. On the question of minorities, no groups were regarded specifically as minorities, all individuals being considered equal and all having freedom of worship. Concerning gender specific statistical data, the National Council had set up a centre for statistics, which was expected to provide basic indicators from mid-1993 onwards.

6. The next section of the list of issues related to the "Best interests of the child". Question 10 read: "Please give clarifications on the way in which this concept is perceived in Egyptian legislation." In that connection, she wished to say that under the Juveniles Act (No. 31) of 1974 juvenile delinquents were brought before special juvenile courts whose proceedings were designed to avoid subjecting them to a trial of the kind faced by adults. Such delinquents tended to be regarded as the victims of social and economic circumstances rather than as criminals. On the question of child labour, under national labour legislation no child under the age of 12 was allowed to work; maximum working hours were specified for children over that age.

7. The next group of questions read:

"Respect for the views of the child (art. 12)

11. Is the view of the child taken into account in the family?

12. Under what circumstances are the views of the child taken into account in practice in matters relating to maternal custody?

13. Please provide further information on the possibilities of obtaining medical consultations without parental approval.

14. What concrete measures have been taken to sensitize public opinion to the need to encourage children's participatory rights, in particular in the case of the girl child?"

In connection with question 11, the National Council and the Ministry of Education were collaborating in the preparation of teaching programmes covering the rights of the child both within and outside the family. Act No. 25 of 1989 provided for maternal custody, as referred to in question 12, up to the age of 10 for boys and the age of 12 for girls. A girl over that age could subsequently remain under maternal custody until marriage if she so wished. In response to question 13, she confirmed that it was possible under national legislation to obtain medical consultations without parental approval.

8. Mrs. EUFEMIO commended the Egyptian delegation for its diligence in responding to the matters raised in the list of issues. First, on the question of non-discrimination against children, she had noted that all citizens were equal under the provisions of the Constitution; however, in the enumeration of the circumstances of equality, which included race and

religion, she had noticed no mention of sex. Secondly, on the question of the allocation of funds for rural areas, where a considerable proportion of the population resided, she asked whether all areas were equally served in terms of services. Thirdly, on the question of the implementation of the principles underlying non-discrimination, she asked how awareness was being increased among personnel dealing with children and what measures were being taken to change attitudes. Fourthly, concerning the mechanism to monitor the implementation of the provisions of the Convention, she noted that the National Council was already taking steps in that direction and endorsed the advisability of undertaking studies on children in difficult circumstances, including questions of physical abuse, sexual abuse and exploitation.

9. While noting the existence of relevant Islamic legislation, she asked whether there might be sectors of the population where there were instances of violation of the rights of the child. On the question of training, she asked what was being done to train non-institutional staff who were working directly with families and children and whether there was any mechanism for coordinating policies and programmes relating to children.

10. Mrs. EL-GUINDY (Egypt), replying to the questions raised by the previous speaker, said that while equality between girls and boys was guaranteed, cases where that principle was breached tended to be in rural areas and among the illiterate sectors of society. In order to remedy the situation, there was a need to provide information, ensure better education and advise families. On the question of children in rural areas, the Year of the Rural Child had been declared two years previously and major efforts had been made to develop programmes for such children, including literacy campaigns and overall development programmes which comprised a component addressed to children in certain areas. At the same time it was recognized that there was a need for overall economic and social development in such areas in order to reach children there. The focus was currently on rural rather than urban areas. As to data collection, prior to accession to the Convention, little information had been collected and the National Council was therefore currently attempting to build up data over a period of time so that a database would be available and constantly updated.

11. On the question of exploitation of children and drug abuse, efforts were being made to deal with such practices but there was still insufficient dissemination of information and awareness. Few statistics were available in that area so far. Concerning training, it should be noted that the legislative decree which had established the National Council had also made provision for training of personnel dealing with children both in educational establishments and elsewhere. The National Council was currently according priority to training in respect of preschool children, but would subsequently be directing programmes also towards personnel working with older children.

12. Mr. HAMMARBERG said that Egypt's difficult economic situation certainly had an effect on the situation of children. However, the Committee attached great importance to priority-setting and also to article 4 of the Convention, which called upon States to implement the Convention to the maximum extent of their available resources. He would therefore like to have more information on the proportion of the budget allocated to measures for children.

13. He noted that Egypt had a social fund to alleviate the impact of structural adjustment, but the Committee needed to know whether the use of the fund was monitored in order to prevent diversion of resources to other activities. It would also be useful to have more information about the extent of awareness of children's needs and rights and of the existence of the Convention and the reporting system. Was it possible to establish, for example, how many children were now aware of their rights and what impact had been advised among decision-makers? And had Egypt yet determined what were the best practical means of attaining those ends?

14. With regard to the principles of the best interests of the child, the report described various relevant pieces of legislation, but it was not clear that Egyptian law incorporated the concept of "best interests". It was a question not just of protecting children's rights, but of embracing a philosophy for the treatment of children in all areas of the country's life. It was a key element of the Convention that children's interests should be given priority.

15. Mrs. EL-GUINDY (Egypt) said that her country was trying hard to solve its economic problems. The National Council for Childhood and Motherhood sought representation in all government services dealing with children. Children's development was an element of Egypt's five-year development plans; funds allocated to social development had increased from 23 per cent in the previous plan to 30 per cent in the current one, with children's services accounting for most of the increase. Children were in fact given priority in the social services sector which already had priority. The National Council was seeking the enactment of social development plans for neglected rural areas, but it was hard to help children without helping families in general through an overall improvement in their economic situation.

16. On the question of children's needs and rights, she could confirm that ministries were required to submit periodic reports on the implementation of children's programmes under the five-year plans. The NGOs and the media were also active in promoting increased awareness. Progress had been slow so far because social change always lagged behind economic development. Programmes to inform children about their rights were also being expanded in the schools, and the National Council had proposed that children's rights should be a mandatory curriculum subject. Efforts were also being made to increase awareness among decision-makers.

17. Mr. NAGUIB (Egypt) said that his country did embrace the philosophy of the best interests of the child and there had been no obstacle in Egyptian law to the ratification of the Convention. The report described the relevant legislation, but the real problem was implementation. However, Egypt's speedy ratification of the Convention and establishment of the National Council bore witness to its support of the principle that children must be given priority. Further evidence was provided by the adoption of plans to improve education, especially in rural areas, and to promote children's health, as well as the general priority given to plans for children in the budget. Since the existing legislation was not exhaustive, a special committee had been set up in the National Council to ensure that the law provided full protection for children and mothers and that children became worthy members of society.

18. Mr. HAMMARBERG asked whether the National Council Committee could review existing legislation in the light of the Convention and propose changes.

19. Mr. NAGUIB (Egypt) said that that was the case. It was hoped that new model legislation would be produced for submission to the People's Assembly for speedy enactment.

20. Mr. HAMMARBERG said that it would be appropriate to review legislation in the light not only of the Convention but also of other international standards, for example the ILO standards concerning the minimum age of employment.

21. Mrs. EL-GUINDY (Egypt) said that contacts had been established with ILO to ensure that Egypt acceded to the relevant conventions. Under current law, Egyptian children could in fact work from age 12, but compulsory education had been extended to age 15 and it was expected that a bill setting the minimum age of employment at 15 would be submitted shortly to the People's Assembly.

22. Miss MASON said it was important to remember that legislation was only the first step and must be supplemented by administrative measures. The extent to which Egypt had carried out its good intentions would become apparent only in five years' time. The good health of a country in all senses depended on the proportion of its budget allocated to the social sectors and especially to children.

23. In connection with question 6, she noted that the illiteracy level had stood at 52 per cent in 1990 and that poverty and attachment to traditional values were features of rural life. She wondered, therefore, how well the awareness campaigns would succeed, for it was difficult to interest people in children's rights and the Convention when they were more concerned with their daily subsistence. She also noted that financial penalties could not be enforced against children. Was it not pointless, therefore, to impose them and would not other penalties be more appropriate?

24. The statement in the report that mothers' custody of girls ended at age 12 needed clarification, for it appeared to be a form of discrimination. And were girls really free to leave home at age 10? In that same connection, there was no mention in the report of gender or political opinions as areas in which discrimination was prohibited.

25. Mr. NAGUIB (Egypt) said that the age for ending custody applied only in the case of separated parents. Under Egyptian law, boys up to the age of 10 and girls up to the age of 12 remained with the mother. Custody was then transferred to the father. But the ages were for indicative purposes only, and the courts could decide differently in the light of the situation.

26. It was difficult to increase awareness of the Convention but serious efforts were being made, especially among children's workers in rural areas and among schoolteachers, the clergy and doctors. The media were also used for publicity purposes. Total awareness would not be achieved quickly but a start had been made.

27. Mrs. EL-GUINDY (Egypt) said that financial penalties were imposed not on children but on their parents or guardians.

28. Mr. NAGUIB (Egypt) said that the aim of new Egyptian legislation had been to implement a more flexible system than the one prevailing until 1979, which had been too rigid. Under that system, boys under seven and girls under nine had remained in the custody of their mother and older children had gone with their father. Since there were cases where that had been inappropriate the law had been amended on two occasions, in 1979 and in 1985, so as to take account of the best interests of the child. The maximum ages at which boys and girls remained with their mother had been raised to 10 and 12 respectively. Furthermore, the child had the right to give his own opinion on custody and the judge could use his discretion on a case-by-case basis.

29. Mr. KOLOSOV said that the order issued by the Supreme Constitutional Court prohibiting the passing of any bill without giving due consideration to the provisions of the Convention, referred to in paragraph 90 (b) of the report, was very far-reaching and important. He asked when it had been issued and if the representative of Egypt could give an example of bills passed since then which had been affected by the order.

30. The question of public awareness of the Convention had already been raised by members of the Committee, but additional information would be useful on the involvement of NGOs in the process of drafting the national report.

31. In accordance with article 1 of the Convention, Egyptian law defined a child as being a person under the age of 18, as mentioned in paragraph 94 of the report. However, in following paragraphs, information had been provided on persons over the age of 18. Since the Convention dealt with the rights of every human being below the age of 18 years, it would be interesting to know why information had been provided on persons over the age of 18; they were no longer children and were therefore not covered by the Convention. For instance, paragraph 96 of the report made it clear that a person of 18 might be subjected to the execution of penalties when such a person had no right to testify before a court, and statistics contained in paragraph 187 seemed to indicate that some women over the age of 21 were minors, which was particularly interesting in the light of the fact that females married at a lower age than males.

32. Paragraph 99 of the report dealt with non-discrimination, one of the four major principles of the Convention. However, when that paragraph was compared with article 2 of the Convention, it was apparent that some criteria were missing, i.e. discrimination on grounds of sex, property and disability. Were those other criteria yet to be introduced into Egyptian legislation? Were there special programmes to promote the principle of non-discrimination, and what concrete measures were being taken to eradicate discrimination against girls? With regard to the legal minimum ages, was there a difference between the minimum ages for part-time and full-time employment, and were there minimum ages for the consumption of alcohol and controlled substances?

The meeting was suspended at 11.45 a.m. and resumed at 12.20 p.m.

33. Mr. NAGUIB (Egypt), in reply to Mr. Kolosov, said that his delegation could provide a list, and indeed copies, of those decrees affected by the decision of the Supreme Constitutional Court. The Court monitored the constitutionality of bills published in the Journal Officiel, and if those bills were not consistent with the Constitution they were declared null and void. Mr. Kolosov had asked for an illustration of the practical effects of the Court's decision. A deputy in the People's Assembly had called for the age of majority to be lowered to 15 years. That had been rejected since it would have gone against the Convention.

34. NGOs were represented on the National Council for Childhood and Motherhood. The Ministry of Social Affairs had asked all the bodies concerned with the issue of the rights of the child to participate in the drafting of the report, so the NGOs had indeed contributed to it.

35. Replying to questions by Mr. Kolosov concerning the age of majority, he said the definition of a child covered persons up to the age of 18. However, civil responsibility was acquired only at the age of 21. Persons between the ages of 18 and 21 were permitted to manage their own property, with the exception of immovable property, and engage in commercial activities. Criminal responsibility was acquired at the age of 18; minors under 18 were liable not to penalties but to disciplinary measures. Persons between the ages of 18 and 21 were in a special category. The death penalty could not be pronounced against them, and other penalties against them were reduced.

36. Mr. KOLOSOV said it was still not clear whether Egypt considered persons under 21 to be children and whether there was a difference in meaning between the words "child" and "minor", both of which were used in the report.

37. Mr. NAGUIB (Egypt) replied that the term "child" was broader in scope than the term "minor". Both terms referred to people under 18, but the term "minor" was used more frequently in the criminal legislation. Persons who had reached the age of 18 were considered to be adults under both criminal and civil legislation. For civil purposes, however, although persons over 18 were no longer minors, they were prohibited from engaging in certain activities until they reached the age of 21. The age of conscription and participation in elections was 18.

38. Mr. KOLOSOV said that there appeared to be a mistake in paragraph 95 of the report, which gave the age of conscription as 21. Drawing attention to paragraph 99 of the report, which listed five grounds on which there must be no discrimination, he pointed out that article 2, paragraph 1, of the Convention contained a much longer list. He would like to know whether Egyptian legislation mentioned any of the other criteria on that list, and if not, whether Egypt planned to bring its national legislation into line with the provisions of the Convention.

39. Mr. NAGUIB (Egypt) acknowledged that there was a mistake in paragraph 95 of the report; the age of conscription was 18. Regarding non-discrimination, the Egyptian Constitution prohibited all forms of discrimination, which was fully rejected by the Egyptian people. For example, there was no difference

whatsoever between men and women with regard to wages and salaries in all branches of the public and private sectors. In that connection, he noted that Egypt applied Islamic law (the Shariah), under which the sexes were treated differently in certain contexts, such as matters of inheritance. However, the fact that women were able to inherit only half as much as men was a Koranic provision which did not signify discrimination in respect of wages and salaries.

40. Mr. KOLOSOV said he was aware that the Shariah was the fundamental source of legislation f - the Arab States. However, Egypt had made no specific references to di rences between the sexes in its reservation to the Convention, which t must now strictly uphold.

41. Turning to child labour, he asked whether there were specific provisions in Egyptian legislation relating to full-time and part-time employment of children. He would also like to know whether Egypt was a party to any of the ILO Conventions setting forth regulations for employment of children. If not, did it plan to look into the matter, especially with regard to the decision to raise the minimum working age from 12 to 15 years to coincide with the age-limit for compulsory education?

42. Mrs. EL-GUINDY (Egypt) replied that the Shariah in no way discriminated against women, who enjoyed the right to manage their own property, often earned more than men and had other advantages, such as leave on half pay while bringing up their children. Egypt had not yet ratified the ILO Conventions but was studying that possibility and took them into account when preparing relevant legislation. Thus a bill setting the age for beginning employment at 15, to correspond with the age-limit for compulsory education, was currently being prepared for submission to the People's Assembly in accordance with legal procedure.

43. Mr. HAMMARBERG, referring to problems of discrimination and the Shariah, said that the Convention implicitly accepted a difference in roles between women and men in society. Problems arose when a difference in roles also marked the entry-point for discrimination. One thing was clear: girls must have the same educational possibilities as boys. Invoking their future roles as wives and mothers to justify a lower educational level for girls was incompatible with the Convention. Legislation was insufficient in that regard; further action was needed. For example, the report acknowledged a gap in school enrolment between boys and girls; the gap was narrowing but was still too wide.

44. Concerning disabled children, an alarming fact in the report was the low level of school enrolment among disabled children. That meant that those children had very little chance of ever acquiring an accepted position in Egyptian society. In that area, too, legislation must be enforced.

45. Mrs. EL-GUINDY (Egypt) replied that the Egyptian Constitution guaranteed both boys and girls the right to compulsory education; parents were fined if they failed to enrol their children in school. The high rate of illiteracy among girls was due to behavioural patterns in rural and underdeveloped areas,

where many families were illiterate; thus the problem could not be rectified through legislation alone. The Government was attempting to raise awareness of the importance of education through a media campaign.

46. Regarding disabled children, much depended on the type of disability involved. For example, associations existed to help the mentally disabled, but it was not always an easy matter to integrate them into society. The authorities were making efforts to do so and to instil into their families and normal children an awareness of their specific needs.

The meeting rose at 12.55 p.m.